

REMARKS

Claims 5, 6, 9, and 10 are amended to more clearly and distinctly claim the invention. The claims now pending are Claims 5-7 and 9-11. Claims 5, 6, 9 and 10 and the claims dependent thereon now incorporate the element of an inert content of less than 3% originally presented in claim 8. No new matter has been added by this amendment. Entry of the amendment is requested.

As amended claim 5 and 6 are directed to a multifilament yarn made from a specific polylactic acid resin having a relative viscosity of 2.7 to 3.9, a Sn content of 0 to 30 ppm, a residual monomer content of 0 to 0.5% by weight, an inert content of less than 3% prepared from L-lactic acid wherein the L-isomer is at least 98%. The yarn made from the specific polylactic acid resin has a tensile strength of 3.9 cN/dtex or more and a contraction ratio in boiling water of 12% or less.

Applicants have found that when the inert content of the specified polylactic acid resin is less than 3%, the uniformity of the multifilament in the longitudinal direction is improved and the stability of the fiber is also improved. Applicants found that the viscosity, crystal orientation and tensile strength of the resultant fiber is improved during the spinning and drawing steps. Apparently, the reduction of the Sn content to 0 to 30 ppm and the monomer content is dependent on the reduction of the inert content to less than 3%. See Table 3-1 on page 36 [0151] of the specification. Under No. 3-7, where the inert content is above 3%, i.e. 3.8%, the unevenness of the yarn increased to ± 15 showing that the stability of the yarn is less. However, in No 3-1-6 and 8, the evenness of the yarn is shown to be improved when the inert content is less than 3%.

The Examiner has pointed to JP102877735 which disclosed fibers made of polylactic acid resin and contend that since JP102877735 does not teach adding an inert component, therefore the inert content thereof is 0% and reads on the claims. Reconsideration of the rejection is requested.

A careful review of 102877735 shows that the reference is silent with respect to inert materials that may or may not be present in the preparation of the polymeric resin. To one of skill in the art, it is clear that this reference does not recognize that the content of inert materials

in the resin causes deleterious results in the uniformity of the yarn fiber in the longitudinal direction and that improvement in the property of the multifilament can be obtained by controlling the inert content to less than 3% together with controlling the content of the L-isomer of the linear lactic acid monomer, the Sn content to 0-30 ppm, the monomer content to 0 to 0.5% to obtain a resin with the proper viscosity and crystal orientation. The reference is not at all concerned with the uniformity of the resultant fiber in the longitudinal direction and did not teach, describe or suggest how to improve the uniformity of the resultant spun and drawn fiber. To imply that because it did not discuss the presence of inert materials means that the reference teach 0% of inert content is not proper. It is hindsight analysis prohibited by the law. In addition, JP 102877735 did not teach or suggest the improvement obtained by controlling all of the factors in the claimed invention: controlling the inert content to less than 3% together with controlling the content of the L-isomer of the linear lactic acid monomer, the Sn content to 0-30 ppm, the monomer content to 0 to 0.5% to obtain a resin with the proper viscosity and crystal orientation. Thus, the invention as claimed cannot be regarded as obvious under the law in view of JP10287735, or Kolstad or a combination of these references.

Applicants believe that the claims as amended are allowable and an early allowance is requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



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By: _____

Maria C.H. Lin
Registration No. 29,323

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10154-0053
(212) 415-8700 Telephone
(212) 415-8701 Facsimile